

REMARKS

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow claims 15-20, 26-28, and 30-47, the only claims pending and currently under examination in this application.

The specification has been amended to include a new Sequence Listing.

The specification has been amended as requested by the Examiner. Specifically, Paragraph [0001] of the specification has been amended to update the status of parental application no. 09/404,017 and paragraph [0010] of the specification has been amended to clarify the description of Figure 2. In addition, paragraph [0020] of the specification has been amended such that the SEQ ID NO citation is consistent with the new Sequence Listing.

Claim 39 has been amended to such that the SEQ ID NOs are consistent with the new sequence listing. Claims 17, 18, 26, 41, 42, and 45 have been amended to replace the indefinite article "a" with the definite article "the" as requested by the Examiner.

As no new matter is added by way of these amendments, entry thereof by the Examiner is respectfully requested.

Accordingly, the Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

Objection to the Oath

The Examiner objects to the Oath/Declaration on file because 1) the change of address for Grigoriy Tchaga is not initialed and dated, and 2) the address for George Jokhadze is not provided.

In view of the substitute Oath/Declaration provided herewith, the Applicants respectfully request withdrawal of this objection.

Objection to Drawings

The Examiner has objected to Figures 2 and 3 because the sequences disclosed therein are not appropriately identified by a sequence ID number (SEQ ID NO).

In a telephone discussion on April 11, 2006, the Examiner stated that providing the SEQ ID NO information in the figure legend for Figure 2 in the specification would be acceptable. Therefore, the Applicants have amended the legend of Figure 2 (paragraph [0010] on page three of the specification) to include SEQ ID NOs for each of the sequences shown (see amendment section, above).

With regard to Figure 3, the Examiner stated that including the SEQ ID NOs in the figure would be acceptable. Therefore, the Applicants provide herewith a replacement sheet for Figure 3 in which the SEQ ID NOs are provided (after each sequence listed).

In view of these amendments, the Applicants respectfully request withdrawal of this objection.

Objections to the Specification

The Examiner has objected to the specification because the status of parental US application 09/404,017 is not provided in paragraph [0001] and the legend to Figure 2 (paragraph [0010]) contains incorrect SEQ ID NO designations and a typographical error.

In response, the Applicants have amended paragraphs [0001] and [0010] (see amendment section, above) as requested by the Examiner. Specifically, US application 09/404,017 is now listed as being abandoned and the SEQ ID NO designations are consistent with the updated sequence listing provided herewith (discussed below).

In view of these amendments, the Applicants respectfully request withdrawal of this objection.

Objections to the Title

The Examiner has objected to the title of the application as not being descriptive of the elected invention.

In response to a request made by Examiner Kerr in the Office Communication of November 4, 2003, the Applicants replaced the original title of this application (in the amendment dated March 3, 2004) with the following:

POLYNUCLEOTIDES ENCODING METAL ION AFFINITY
PEPTIDES AND RELATED PRODUCTS

The Applicants submit that this new title is descriptive of the elected invention and as such respectfully request withdrawal of this objection.

Sequence Listing

The Examiner has objected to the sequence listing because SEQ ID NO:06 and 24 are identical and the names for SEQ ID NOs 7-10 are incorrect.

Enclosed with this response, please find a substitute copy of the Sequence Listing in both paper and computer readable form in which the above noted items are corrected. Specifically, duplicate SEQ ID NO:24 has been deleted and the names for SEQ ID NOs 7-10 have been corrected.

Above please find an amendment requesting entry of the new Sequence Listing into the present application, in place of all previously filed sequence listings.

I hereby certify that the enclosed substitute Sequence Listing is being submitted under 37 CFR §§ 1.821(c) and (e) in paper and computer readable form (Compact Disk labeled 'CRF').

As required by 37 CFR 1.821(f), I hereby state that the content of the paper and computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. §1.821(c) and (e) are the same. The Computer Readable Format (CRF), being submitted under 37 CFR §§ 1.52(e) and 1.824, is formatted on IBM-PC, the operating

system compatibility is MS-Windows and the file listing is: SEQLIST.txt, 15.2 KB, created on April 10, 2006.

Claim Rejections - 35 U.S.C. § 112, second paragraph

The Examiner has rejected Claims 17, 18, 26, 41, 42 and 45 under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Specifically, the Examiner states that the use of the indefinite article "a" in the rejected claims makes them indefinite.

In response, the Applicants have replaced the indefinite article "a" with the definite article "the" in each of the rejected claims as requested by the Examiner (see claim amendments, above).

In view of these amendments, the Applicants respectfully request withdrawal of this rejection.

CONCLUSION


In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,

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Date: 4-12-06

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